

Ari B. Teman

April 14, 2022

Nissan 13, 5782

The Honorable Paul A. Engelmayer  
District Judge  
Southern District of New York  
40 Foley Square,  
New York, NY

**Re: Motion for resentencing due to dead baby, 19 months in 20-hr solitary confinement;  
Motion to Recuse due to Your Honor's failure to disclose Biale/Graham conflict;**

Your Honor,

Defendant respectfully requests that the Court resentence the defendant to time served, counting the 19 months in 20-hour-a-day Defendant spent in solitary confinement, in place of the year-plus-one day sentence the Court has already given.

Defendant's reason for raising this issue now is that my former girlfriend told me that she had felt obligated to terminate the life of a child I and my girlfriend had conceived, after the baby had hands, feet, and a head, because she feared she would have to raise it alone while I was imprisoned, and she was stuck across the planet during COVID lockdowns. Here is that baby (Mother's name redacted):



I have nightmares frequently about being unable to save or hold my child. It is incredibly painful to think about and I am reminded of it often. I cannot imagine any worse punishment.

That relationship lasted quite some time after this but did not survive my 19 months in 20-hour-a-day near solitary confinement -- mostly because neither did my sanity or my health. I was forced to endure serious illness and surgery and months of recovery alone, as well.

Further, I respectfully request that the Court credit me with 10 months based on the amount of time sentencing was delayed due to the conflict violation of Mr. Noam Biale (and AUSA Graham and AUSA Bhatia). The betrayal of my trust by Mr. Biale, who not only allowed his wife AUSA Graham to gain access to my post-trial strategy, which gave the prosecution an unfair advantage and undermined all my subsequent arguments, but also misrepresented that he had sought exculpatory evidence from the Mercer shareholders—who had in fact reviewed the GateGuard payment terms, had been expressly notified of GateGuard’s right to cover payment defaults by RCC and had *voted to approve the GateGuard Terms*, thus vitiating a conviction that could have been based on a **single** \$18,000 check that I completely covered following the improper chargeback.

I respectfully request that your Honor reconsider my time served and the punishment resulting from a lost child and allow me to start life anew and build a new family without the threat of prison and a year or more of delays with appeals and/or Rule 33 Motions.

With \$259,000 restitution to Bank of America, which the jury could have found was not the victim of any fraud, since it could have convicted on the basis of a single \$18,000 check that was charged back and then paid by me, and in consideration of post-sentencing discovery submitted to the Court of collusion by witnesses (DOC 284 at 7) and evidence that I had indeed warned the witnesses that amounts owed were subject to collection via remote checks, any debt has surely been fully paid, and then some. I respectfully request that your Honor modify my sentence to “time served” and allow me to rebuild my life.

However, because the request herein involves crediting me time (10 months) based on the disclosure violation of Mr. Biale and Ms. Graham, Your Honor’s close personal friends, and Your Honor, defendant again motions for recusal so that this motion may be considered by a judge who is not close personal friends of Biale and Graham and who did personally also violate his own disclosure violation in regard to that conflict.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke extending to the right.

Ari Teman

Defendant, Pro Se